

**State Witness
Repudiates
Testimony Against
Frank,
Promised Money,
He Says**

Albert McKnight, Who
Testified That
Prisoner

Came Home, Then
Left

Suddenly, and Who
Told

of Wife's Alleged
State-

ment, Has Made
Denial of

Old Affidavit.

*EXTRAORDINARY
MOTION*

*FOR A NEW TRIAL
TO BE*

*NEXT STEP OF
DEFENSE*

McKnight's Wife, Who
at

First Stated That
Frank

Was Very Nervous
on

Murder Night and
Said He
Had Had Trouble
With
Girl at Factory,
After-
wards Denied Her
State-
ment.

The most startling of new developments in the Frank case, which have come in flurries since the decision of the supreme court last Tuesday, is the announcement that Albert McKnight, a witness for the state, has made an affidavit repudiating his statement on the stand, which involved his wife, Minola, whose original story was one of the strongest links in the state's chain of evidence.

McKnight, in his remarkable affidavit, says that he was induced to make false statements to connect Frank with the crime by an offer of money, and that he now retracts these statements because he has been made to realize the great harm he has inflicted upon Frank.

He doesn't mention the name of the man who made this proposition—that is, not in the affidavit—but he has given his name to C. W. Burke, the detective employed by Frank's counsel.

Burke said:

"The affidavit was made voluntarily by McKnight. He talked freely, and without any inducement whatever. IT shows one of the most diabolical conspiracies ever concocted."

McKnight, in amplifying his affidavit, states that Mr. Dorsey and the city detectives didn't know that he was lying. He states, however, that practically everything he said on the stand was untrue.

McKnight's Affidavit.

Following is the affidavit in full:

Albert McKnight, 21 years of age, residing at rear of No. 17 Georgia avenue, in Atlanta, Fulton county, Georgia, deposes and says that he is at the present time at the store of Beck & Gregg, and deponents says that he was at work there most of the month of April, 1913.

Deponent says that he was a witness of the state in the case of Georgia v. Leo M. Frank and testified to a story that had been prepared for him by a white man.

Deponent says that the story prepared is not the truth, and that the evidence that the deponent gave at the above-named trial was not the truth.

Deponent now says that it is true that his wife, Minola, was employed at the home of Mr. Selig, where Mr. Frank resided, and it is true that on Saturday, April 26, as he called at the Selig home

to see his wife, but deponent says he reached the Selig home a little before 12 o'clock noon, and that he heard the 12 o'clock whistle blow

PDF PAGE XXX, COLUMN 1

at the Southern Railway shops, and also heard the 12:30 o'clock whistle blow while he was talking with his wife, and deponent says that when he heard the 12:30 o'clock whistle blow he left the Selig home and walked up Georgia avenue to Pulliam street, to Bass street, and to his own home, which at that time was located in the rear of No. 351 Pulliam street.

Deponent says that when he reached the Selig home on Saturday, April 25, that his wife was preparing the noontime meal, but had not yet served it, and that she did not serve the meal before he left the house.

Deponent says that he did not see Mr. Frank at all on April 26, and that his evidence at the trial of Mr. Frank was the result of a plan perfected by others to collect the reward offered for the arrest and conviction of the murderer of Mary Phagan.

He Wanted Reward.

Deponent says that he told the man that he did not want to tell any lies on Mr. Frank, but the man would tell him to go right ahead and do what he told him to do, and that he was weak enough to do as he was told to do.

Deponent says that he is sorry for all the wrong he has done to Mr. Frank, and that he wants this true statement of facts placed in the hands of Mr. L. Z. Rosser to be used by him with the hope that the same can in some way undo the great wrong he was led to do by the white people he was working with at the store of Beck & Greet.

Deponent again says that he did not see Leo M. Frank at any time or place on Saturday, April 26, 1913, and that he will so testify when called upon at any time.

ALBERT M'KNIGHT.

Sworn to and subscribed to and signature acknowledged before me January 19, 1914.

E. D. THOMAS,

Chief Judge of the Municipal Court of Atlanta.

McKnight's Story on Stand.

McKnight stated in the witness chair that he was at the home of Frank at noon of the day the murder happened. He said that Frank came at an hour which contradicted stories told by witnesses for the defense, and declared the prisoner had merely gone to a cabinet in the dining room, where he presumably took a drink and hastily departed, catching a Washington street trolley car.

Witnesses for the defense said that Frank ate lunch at his home with members of his family. Frank's father-in-law, Emil Selig, and others of the family corroborated this. McKnight averred that he was in the kitchen, in which his wife was employed, at the time Frank came home for lunch.

McKnight's testimony was the center of a spectacular battle between defense and prosecution. Experts in architecture and photography were presented by Frank's counsel to disprove his story. The battle was waged for several hours of the trial. McKnight also told of his wife's statement relating to Frank's conduct on the night of the tragedy.

It was through McKnight that the affidavit was obtained from his wife by detectives several weeks prior to the trial, in which she stated that Mrs. Frank had told members of her household that her husband had threatened suicide on the murder night, and that he had been so obviously nervous that he had forced her to

leave the bed in which she slept beside him and spend the remainder of the night on a rug on the floor.

Detectives Question Couple.

McKnight was brought to the detectives by E. H. Pickett and Roy L. Craven, of the Beck & Gregg Hardware company, with whom the negro was employ. Pickett and Craven had heard from McKnight's lips his story of the murder date and of his wife's statement concerning Mrs. Frank.

She was summoned before Solicitor Dorsey, where she was closely questioned. Her examination resulted in a scene in which the woman broke down in tears. She was removed from Dorsey's office and carried hysterics in a police patrol to headquarters, where the examination was resumed. She made an affidavit setting forth Mrs. Frank's words that her husband's conduct had been exceedingly suspicious the previous night. Minola also told of Mrs. Frank's alleged statement that Frank had told her he had got in trouble the day before with a girl at the factory, and that this was the cause of his nervous state, of which she complained.

On the witness stand the man stuck to his statement. The woman, however, repudiated hers, saying she had made the original affidavit because she was afraid of jail and because she had been told that to make the statement meant liberation, while to refuse meant imprisonment.

The affidavit was obtained by Detectives John Starnes and Pat Campbell, prosecutors of Frank. They were acting under instructions from Chief Newport A. Lanford. The husband had made his sworn statement considerable while previous to that of his wife.

Solicitor Is Ignorant.

This latest affidavit was made Saturday, it is said. Pickett, when communicated with by a reporter for The Constitution last night, declared he had heard nothing of the latest statement. Solicitor Dorsey stated last night that he knew nothing of

McKnight's latest affidavit, except that he had merely heard he had made one.

This development casts a new aspect upon the Frank case. It is now believed that Frank's attorneys will plead for a new trial before the superior court on grounds of newly discovered evidence. McKnight's contradiction of his testimony and the statement of Dr. H. F. Harris that the hairs found on the lathing machine were not similar to those taken from the dead girl's head will undoubtedly form a basis for one of the most remarkable pleas Georgia has ever known.

Barrett Asks Reward.

Another sensational aspect was thrown around the recent developments of the famous case, when Robert Barrett, a star witness in Frank's trial, filed with Mayor Woodward a petition for the \$1,000 reward offered by the city for the arrest and conviction of Mary Phagan's slayer.

Barrett contended through his attorney, Lawton Nalley, that he was due the reward because it was his discovery of the hair on the lathing machine and the blood spots nearby that caused Frank's arrest, and also played a large part in Frank's conviction.

Coming so closely behind the startling statement Friday by Dr. Roy F. Harris that the hair found on the lathe was believed not to be that of Mary Phagan, Barrett's plea for the reward has created wide interest. Barrett, on the stand, was given the name of "Christopher Columbus" Barrett by the defense, who said the name was a deserving one because Barrett was all the time discovering new things in the fashion of our country's explorer.

Barrett lives at 549 West North Avenue. At the time of the Phagan murder he was employed on the second floor of the pencil factory. He stated on the stand during the Frank trial that the hair and blood clots found on the lathing machine at which he worked were not there on the preceding day, and that neither were the spots of blood on the floor of the metal room and other places in vicinity of his working stand.

PDF PAGE 1, COLUMN 6

**SOLICITOR
DORSEY**

**SCORCHED IN
CARD**

**BY FRNAK
COUNSEL**

Important Links in
Chain of

Evidence That
Convicted

Prisoner Are
Branded as

Myths by His
Lawyers.

***SAY DR. HARRIS
KNEW***

***EVIDENCE
IMPORTANT***

Assert That Dorsey,
Know-

ing Hair Was Not
That of

Mary Phagan,
Argued to

Jury That It
Belonged to
Victim.

Branding as myths a number of important links in the chain of evidence against Leo Frank. Luther Rosser and Reuben Arnold last night issued a scathing statement in which they also ask this question:

“Will these myths be dissolved while Frank lives, or not until he is dead?”

Solicitor Dorsey, upon learning of the statement, said:

"I have nothing to say. That statement is too humorous to consider. We are entirely satisfied with our case."

Concealment Charged.

Frank's attorneys accuse Dr. Harris and Solicitor Dorsey of striving to conceal the knowledge that the hair found upon the pencil plant lathe was not Mary Phagan's. They also allege that, knowing this, the solicitor sought to win his case before the court by misrepresentation claiming the hair was that of the victim.

Dorsey is charged with misconception of his duty through zeal and anxiety to convict the man. After which, in the following sentence, they declare the state of Georgia never sought to prosecute by concealment and subterfuge.

"Since it has been developed," reads the conclusion of the statement, "that the hair, as a piece of physical evidence showing Frank to have committed the crime, was a myth and had no existence, in fact, the inquiry arises: How much else of the state's case is a myth?"

"Is not the charge of perversion, based upon the evidence of Jim Conley, a myth? Are not the various slanders circulated against Frank by malicious minds, equally as much without foundation as the state's claim of finding the hair of Mary Phagan on the lathe?"

The statement was given to the press. It is undoubtedly the most caustic issued by either side since the beginning of the noted Frank case.

Statement by Frank's Lawyers.

The statement in full follows:

Editor Constitution: The papers carried a short interview from us on Friday, but the admissions of Dr. Harris ought not to be passed over so hurriedly—the matter is too vital, not only to this case, but to the integrity of courts of justice.

Very early in this case the state adopted the theory that the murder took place on the second floor of the factory. Indeed, such a theory was essential to Frank's guilt.

Every effort of the state, therefore, was bent to establish this theory. A man by the name of Barrett claimed to find on that floor what he contended to be blood spots and a few strands of hair, which were asserted to be Mary Phagan's hair, hanging to a lathe.

These two finds were heralded everywhere by Frank's accusers as evidence conclusive of his guilt, and the state put forward all its force and power to show that the blood and hair was the hair and blood of Mary Phagan.

The solicitor, like every other well-informed, intelligent man, knew that it would be scientifically demonstrated whether the apparent blood was human blood and whether the hair was Mary Phagan's hair.

Dr. Claud Smith, an expert chemist,

Continued on Page Two.

PDF PAGE 1, COLUMN 6

***SOLICITOR
DORSEY***

SCORCHED IN CARD

Continued From Page One.

examined the red substance smeared upon the floor and supposed to be human blood. The smeared wood was chipped up, making four or five chips smeared equally with the substance appearing to the eye to be blood.

Dr. Smith's Evidence.

Dr. Smith reported that he found blood on only one of the chips, there being no blood on the others. Dr. Smith's evidence was not guess-work, but was as certain as mathematics. It demonstrated that the substance appearing from the eye to be blood was not blood; for, had it been blood, the doctor would have found it on all the chips, for the smear was equally on all the chips.

On the one chip he found only a trace of blood, only four or five corpuscles to the field, whereas a drop of blood contains about 80, 000 corpuscles.

While the doctor could demonstrate whether the smear was blood or not, he could not tell whether it was human or animal blood, nor whether it had been on the floor for days, weeks or years.

It is therefore perfectly clear that the claim that the blood of Mary Phagan was found on the second floor was not sustained. The evidence of non-expert witnesses that the smear seemed to be blood, was clearly of no avail as against this accurate and

unmistakable expert testimony. An honest, capable expert can tell the existence, or non-existence, of blood, must the same as a mathematician can tell that two and two are four.

To determine, among other things, whether the hair was the hair of Mary Phagan, the state (at the expense of the county, as we are informed) employed Dr. Harris, an eminent expert. Dr. Harris exhumed the body of Mary Phagan and obtained some of her hair. With the aid of a powerful microscope (as fine as there is in the world, he says) he compared the hair found in the factory with the hair of Mary Phagan.

Not Mary Phagan's.

That examination demonstrated that the hair found was not the hair of Mary Phagan. It differed from her hair in shape, shape and texture. Dr. Harris reported that the hair was not Mary's; that it differed from Mary's in shade, texture and shape.

An honest, efficient expert cannot be mistaken in determining whether two samples of hair did or did not come from the same person.

Under a powerful microscope the difference between the hair of different persons is almost as easily discernible as the difference between two trees or two human faces. Indeed, as to this the microscopic test is practically infallible. Dr. Harris knew that, and he knew it was not Mary Phagan's hair. An intelligent man like Dorsey knew, without being told, that the microscope would, and did settle the matter. To that end he employed Dr. Harris. Dr. Harris settled the matter, and Mr. Dorsey knew he had settled it.

It is equally certain that the opinions of non-expert witnesses is of little or no value in determining whether two samples of hair came from the same or different persons. In a contest with the microscope, such opinions are absolutely worthless. No two men know this any better than Dr. Harris and the solicitor. Both of them knew that Dr. Harris' examination settled the matter, for when Harris told the solicitor that the hair was no Mary Phagan's

—that it differed from her hair in shade, shape and texture—the solicitor told the doctor, as stated in The Evening Journal, ‘There would be no necessity of going further into the hair theory;’. . . “that he would let the matter end there.”

With this certain knowledge in the face of Dr. Harris and the solicitor, the Frank trial was begun, Mr. Dorsey, being the solicitor, representing the state, and Dr. Harris, secretary of the state board of health, the leading expert witness.

During the trial, and for months thereafter, Dr. Harris concealed the fact that he knew that the hair found in the factory was not Mary Phagan’s hair, although he must have known that the solicitor was contending, with all his force, from the beginning to the end of the case, that the hair found was the hair of Mary Phagan and was strong physical evidences of Frank’s guilt.

Knew It Was Material.

It is therefore nonsense to say that he did not consider the matter a material one! Why was he experimenting as to the hair? Surely not to kill time. He must have known the state’s contention! He must have known if the hair was Mary Phagan’s that fact would hurt Frank; and, if not, it would aid him. The papers were full of this. Scarcely was there an intelligent man or woman in the city who did not appreciate its materiality. Is it possible that this learned, expert witness stood alone in his ignorance as to the importance of the experiments he was making? Such a thing is, of course, possible; but, if so, a possibility close to the miraculous.

The doctor cannot say he was not asked. When on the witness stand, Mr. Arnold, for the defense, asked him the following questions:

Q. “What did he (the solicitor) tell you to examine (referring to the examination of Mary Phagan’s body)? What parts of the body did he tell you to exhume?”

Q. "What did you have in your mind? What were you working to determine by the autopsy? What did you understand you were seeking?"

Can there be any doubt but that these questions covered Dr. Harris examination of the hair? To contend otherwise is the shallowest quibbling not to be resorted to in a case involving life and death.

Dr. Harris answered these questions without once mentioning the subject of hair. As to other parts of the body examined, he went into the minutest details.

What About the Solicitor?

Concede, however, as we cannot, that Harris was ignorant of the importance of this hair. What about the solicitor? He knew its importance, and he knew that the hair found in the factory was not Mary Phagan's hair! He knew, as Dr. Harris knew, that this hair was put under one of the best microscopes and that it had been demonstrated beyond a doubt that it was not Mary Phagan's hair.

And yet with that knowledge, he showed by Barrett that he found hair, and that by Magnolia Kennedy that it looked like Mary's hair.

It is worse than silly to say that these look-like witnesses saw more of the hair than did Dr. Harris. He had enough, and more than enough, for microscopic purposes. He retained the microscopic sections and returned the balance to the solicitor.

Not only so, but with his knowledge, the solicitor urged in his speech to the jury three or four different times that this hair was Mary, Phagan's hair. He knew the truth, and, in spite of his knowledge, urged upon the jury that this hair was evidence of Frank's guilt.

Not only so, but he made the same contention in his brief in the supreme court.

Harris told him the truth! He recognized it by telling Harris “that he would let the matter end,” and yet, in the highest court of the land, with human life at stake, he positively and emphatically states that the finding of this hair in the factory is one evidence of Frank’s guilt.

In this the solicitor, in his zeal, misconceived his duty. The state of Georgia sternly demands full punishment for the guilty, but always in open candor—never by concealment or subterfuges.

The Hair Is Lest.

The solicitor says that the hair is now lost. Dr. Harris says that he returned the hair to the solicitor, except the microscopic sections which he examined. Of course, we cannot undertake to say why, or how, this hair was lost by the solicitor. It was never produced at the trial; but that it had its weight on the court, jury and public, there can be no doubt!

Since it thus develops that the hair, as a piece of physical evidence showing Frank to have committed the crime, was a myth and had no existence in fact, the inquiry arises: how much else of the state’s case is a myth? Is not the charge of perversion, based upon the evidence of Jim Conley, also a myth? Are not the various slanders circulated against Frank, by malicious minds, equally as much without foundation as the state’s claim of finding the hair of Mary Phagan on this lathe?

The question horrible to contemplate is: will these myths be dissolved while Frank lives or after he is dead?

REUBEN R. ARNOLD,
LUTHER Z. ROSSER.
